REMARKS/ARGUMENTS

I.     STATUS OF CLAIMS

Claims 1-14 and 21-34 remain in this application.  Claims 1, 3-8, 11-13, 21, 23-28, and 31-33 have been amended.

II.    CLAIM REJECTIONS – 35 U.S.C. § 112

The Office Action rejected Claims 1-14 and 21-34 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.  The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time of the application was filed, had possession of the claimed invention.   Although Applicant has amended Claims 1, 8, 21, and 28 to remove the cited element, Applicant respectfully points out that the cited element is supported in the Specification at least on page 9, lines 18-32; page 10, line 30-page 15, line 16; page 19, lines 1-5; and page 20, lines 6-9.

Therefore, the rejection under 35 U.S.C. § 112, first paragraph is deemed moot as the cited element is no longer in the Claims.  Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 112, first paragraph.

III.   CLAIM REJECTIONS – 35 U.S.C. § 112

The Office Action rejected Claims 1, 8, 21, and 28 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.  The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make

and/or use the invention. The rejection is respectfully traversed.

In particular, the customer pays a fee to a service for use of the network of caching servers storing static content for the customer is supported at least on pages 17, lines 25-31, and page 19, line 1-page 20, line 2. The Office Action states "While the background suggests a service fee, there is no context associated with the service fee, such as who would pay the service fee and who would receive the fee ...." The entire Specification discloses who customers are and what the service provides (e.g., storing a customer's static content in a network of caching servers). Further, the pages cited above disclose billing, audit, and historical analysis for customers.

Therefore, the cited element is supported in the Specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Further, the rejection under 35 U.S.C. § 132(a) is deemed moot with respect to the support in the Specification. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 112, first paragraph and the objection under 35 U.S.C. § 132(a).

IV.    CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 1-14 and 21-34 under 35 U.S.C. § 103(a) as being unpatentable over Chauhan (hereinafter "Chauhan") U.S. Patent No. 6,115,752 in view of Scharber (hereinafter "Scharber") U.S. Patent No. 6,542,964, and in further view of Lin et al. (hereinafter "Lin") 2001/0052015. The rejection is respectfully traversed.

Applicant thanks the Examiner for his comments during a 2 October 2007 telephone call. Claim 1 has been amended to clarify the claimed invention and appears as follows:

1.    A method, comprising:
        receiving a request from a user for a web page at a first web
address, the first web address including a hostname;
        determining traffic loads of a plurality of mirrored customer web
servers among a customer's plurality of web servers, each of the customer web
servers storing the web page;
        determining a customer web server from the plurality of mirrored
customer web servers that is appropriate for the request, the customer web server
having a traffic load lower than traffic loads of remaining customer web servers
from the plurality of mirrored customer web servers;
        determining an IP address of the customer web server;
        directing the request from the user to the customer web server;
        receiving a request from the user for static content on the web page
at a second web address, the second web address including the hostname;
        determining service metrics of caching servers in a network of
caching servers;
        wherein a customer pays a fee to a service for use of the network
of caching servers storing static content for the customer;
        determining a caching server from the network of caching servers
that is appropriate for the request for static content, the caching server having
service metrics better than service metrics of remaining caching servers from the
network of caching servers;
        retrieving the static content from the caching server; and
        providing the static content to the user.

The amended text is supported in the Specification at least on page 9, lines 18-32;

page 10, line 30-page 15, line 16; page 19, lines 1-5; and page 20, lines 6-9.

As discussed with the Examiner, neither Chauhan nor Scharber nor Lin teach or

disclose a system that determines traffic loads of a plurality of mirrored customer web

servers among a customer's plurality of web servers, each of the customer web servers

storing the web page, and determines a caching server from the network of caching

servers that is appropriate for the request for static content, the caching server having

service metrics better than service metrics of remaining caching servers from the network

of caching servers as cited in Claims 1, 8, 21, and 28. Neither Chauhan nor Scharber nor

Lin contemplate such a distinction between a plurality of mirrored customer web servers

among a customer's plurality of web servers and a network of caching servers. The

Office Action points to Chauhan as teaching such as system, however, Chauhan only

discusses a set of mirrored servers which is clearly differentiated from the plurality of mirrored customer web servers among a customer's plurality of web servers and the network of caching servers as cited in Claims 1, 8, 21, and 28. Chauhan does not contemplate what the Office Action states.

Further, as applicant has previously pointed out, neither Chauhan nor Scharber nor Lin teach or disclose a method that performs functions across two distinct sets of servers, i.e., a plurality of mirrored customer web servers among a customer's plurality of web servers and a network of caching servers, where the customer is a customer of a service and pays a fee to a service for use of the network of caching servers storing static content for the customer. Neither Chauhan nor Scharber nor Lin make such a distinction.

Therefore, Chauhan in view of Scharber and in further view of Lin does not teach or disclose the invention as claimed.

Claims 1 and 8 are allowable. Claims 21 and 28 are apparatus claims of Claims 1 and 8, respectively, and are similarly allowable. Claims 2-7, and 9-14 are dependent upon independent Claims 1 and 8, respectively. Claims 22-27, and 29-34 are dependent upon independent Claims 21 and 28, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

## V.     CONCLUSIONS & MISCELLANEOUS

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate.

The Examiner is invited to telephone the undersigned at (408) 414-1214 to discuss any issue that may advance prosecution.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,
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Dated:  October 2, 2007                    /KirkDWong#43284/
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CERTIFICATE OF TRANSMISSION VIA EFS-WEB

Pursuant to 37 C.F.R. 1.8(a)(1)(ii), I hereby certify that this correspondence is being transmitted to the United States Patent & Trademark Office via the Office electronic filing system in accordance with 37 C.F.R. §§1.6(1)(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM PST.

Submission date:   October 3, 2007                    by       /KirkDWong#43284/
                                                               Kirk D. Wong